

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MALBCO HOLDINGS, LLC, a
Washington Limited Liability Company,

No. 03:14-cv-00947-PK

Plaintiff,

v.

BHUPENDRA PATEL and NILA PATEL;
HEETAN PATEL and HEETAL PATEL-MANANI;
and MUKESH PATEL,

ORDER

Defendants.

HERNANDEZ, District Judge,

On July 21, 2015, Magistrate Judge Papak issued an Order (#113) in which he granted Plaintiff's motion to compel. On January 28, 2016, Defendants filed objections to the Order. The matter is now before me pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Fed. R. Civ. P. 72(a). The standard of review for an order with objections is

"clearly erroneous" or "contrary to law." 28 U.S.C. § 636(b)(1)(A) (applying the "clearly erroneous or contrary to law" standard of review for nondispositive motions). If a ruling on a motion is not determinative of "a party's claim or defense," it is not dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).


I have carefully considered Defendants' objections and conclude they do not provide a basis to modify the Magistrate Judge's Order.

CONCLUSION

The Court AFFIRMS Magistrate Judge Papak's Order [113].

IT IS SO ORDERED.

DATED this 24 day of February, 2016.


MARCO A. HERNANDEZ
United States District Judge